

IN THE UNITED STATES COURT
FOR THE DISTRICT OF PUERTO RICO

Civil No.: 20-cv-1558(JAG)

Richard Cora - *Pro Se*
Plaintiff

vs.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION - EEOC
DIRECTOR- William R. Sanchez
Defendant

RECEIPT #	<u>PAK100073560</u>
AMOUNT:	<u>\$400.00</u>
OCT 20 2020	
<i>[Signature]</i>	
CASHIER'S SIGNATURE	

Complaint
UNDER OWN RIGHT PROCESS:
MOTION TO INVALIDATE OR POSTPONE EEOC 90 DAYS DISMISSAL AND NOTICE OF RIGHTS

TO THE HONORABLE COURT:

COMES NOW, Richard Cora, a combat protected and disabled veteran, through the own right process, and very respectfully to this Honorable Court states and request to invalidate or postpone the 90 days prescriptive term of a Dismissal and Notice of Rights, wrongly, incorrectly and untimely presented by the US Equal Employment Opportunity Commission (EEOC) signed on August 13, 2020 but received on August 21, 2020 – as per attached supporting document.

This is to respectfully request to immediately contact the US Equal Employment Opportunity Commission – San Juan Office EEOC Director, Mr. William Sanchez to invalidate or postpone the closing of Dismissal with a 90 days Notice of Suit Rights limitation for the properly submitted and accepted EEOC Charge 515-2019-00062 for investigations. The following reasons, facts and supporting evidence are presented for this action:

1- First and foremost, main reason for this motion requiring the dismissal of the 90 days prescriptive term, is based on the incontrovertible and evident facts that the EEOC Investigation related to the EEOC Charge No 515-2019-00062 has not being properly performed, investigated and completed as per required applicable rules, regulations and laws governing that process of investigation. As per direct evidence and testimony from the Claimant involved in the Investigative Process, the process was not followed as per applicable regulation including no compliance of many steps and areas of the investigation including: 1) No properly informing the complainer at different stages of the process to take the proper action, 2) No opportunity during investigation to corroborate, clarify and rebuttal information; 3) No final report provided or information of the findings and conclusion of the investigations to the claimants and the opportunity to appeal , among others.

2. Another important reason for the request of the cancellation of the 90 days prescriptive term to close the EEOC Investigation Charge 515-2019-00062, is based on the fact that EEOC was informed of other investigations and coordinated claims that were active and running for which the information, findings and results were relevant to this EEOC investigation. There is two ongoing and active investigations; (1) one by Office of Procurator Veteran (OPV) that would lead to a pending quasi-legal Public Review, "Vista Publica" by OPV; (2) and another investigation by "Unidad-Antidiscrimen" of Humacao, (UAD) - all these as part of a coordinated strong effort with EEOC to resolve this discriminatory claim, proven violations of the laws and rights of the veterans with National Relevance, as it was proven the violations of the statues investigated in this case affects the entire Veterans' Community. The current and unique circumstances of Covid-19 Pandemic has affected and delayed the completion of those relevant ongoing and pending OPV and UAD investigations

3. The EEOC indicates in the Dismissal and Notice of Rights that; "the EEOC is unable to conclude the information obtained establishes violations of the statutes. This does not certify the respondent is in compliance with the statutes." There is substantial evidence, facts and documentation under the Freedom of Information Act (FOIA) that has not been processed due to a hold being placed on the respondent/company as it claim it would affect its own rights. Therefore, and in accordance with all applicable rules, laws and regulations, it is requested and necessary that until the relevant information is released and reviewed and the ongoing investigation completed, that the EEOC investigation is maintained open, and the 90 days prescriptive term is cancelled.

4. As clearly and evidently presented in the EEOC Investigative Inquiry for charge no. 515-2019-00062 (and including the content of that inquiry), the charges of the main allegation do not deal on "allegation under USERRA or Veterans preference" but about clear documented charges under the specific laws that EEOC clearly enforce and is responsible to investigate including; Retaliation, Disability, Age, etc. The facts and reports clearly demonstrate those specific areas of investigation were clearly explained, validated, approved and accepted by the EEOC Investigator more than a year ago - before starting the investigation. These clarify any possible misunderstanding from EEOC.

5. To allow this surprising and untimely notice of dismissal with 90 days limitation would be highly detrimental and of a significant impact to the progress and advances of more than eight years of strong efforts, ongoing and active investigation, as informed and supported by Senate of PR, Fortaleza and many vital Veterans' Organizations, that as proven have affected for many years for violations of applicable laws, rights and social justice for many the vulnerable members of the local veterans' community and its families.

6. Due to time limitations, respectfully request within the 10 days response, if possible, the court decision to invalidate or postpone the 90 days prescriptive term of a Dismissal and Notice of Rights, or an additional time consideration to submit under own right or to find the applicable legal representation for this honorable court.

7. If the main Motion is not considered for each or all valid of the aforestated reasons, the plaintiff respectfully and humbly request some additional reasonable time to find proper legal federal representation for this federal court. The plaintiff is currently legally represented by the local Office of Procurator Veterans (OPV) who has indicated not having attorneys with the required legal federal experience and certification and the resources and capability to defend the plaintiff in this court, as clearly required by the applicable state laws.

WHEREFORE, it respectfully requested from this honorable Court to invalidate or postpone the closing notice of dismissal with a 90 days Notice of Suit Rights limitation for the submitted and accepted EEOC Investigation Charge 515-2019-00062. Respectfully request to grant of this requests in this motion.

Respectfully submitted

In San Juan , Puerto Rico, this 20 day of October, 2020.



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Plaintiffs: Combat Protected
Disabled Veteran
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U.S. Equal Employment Opportunity Commission (EEOC)
Defendant: EEOC
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